



General Assembly

February Session, 2008

Amendment

LCO No. 4737

HB0564004737HDO

Offered by:

REP. FELTMAN, 6th Dist.

To: Subst. House Bill No. 5640

File No. 341

Cal. No. 207

"AN ACT CONCERNING ZONING ENFORCEMENT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 8-273a of the 2008 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective from passage*):

6 (a) Notwithstanding any other provisions of the general statutes,
7 [to the contrary,] whenever the Commissioner of Transportation
8 undertakes the acquisition of real property on a state or federally-
9 funded project which results in any person being displaced from his
10 home, business, or farm, the Commissioner of Transportation is hereby
11 authorized to provide relocation assistance and to make relocation
12 payments to such displaced persons and to do such other acts and
13 follow procedures and practices as may be necessary to comply with
14 or to provide the same relocation assistance and relocation payments
15 as provided under the federal Uniform Relocation Assistance and Real

16 Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any
17 subsequent amendments thereto and regulations promulgated
18 thereunder.

19 (b) (1) Whenever the Commissioner of Transportation acquires an
20 outdoor advertising structure or a lease of an outdoor advertising
21 structure is terminated as part of a condemnation proceeding under
22 any provisions of the general statutes, the amount of compensation to
23 the owner of the outdoor advertising structure shall [include either (A)
24 payment for relocation costs incurred by such owner, or (B) the
25 amount] be determined in accordance with subdivision (2) or (3) of this
26 subsection. For purposes of this section, the fair market value of the
27 outdoor advertising structure shall be determined by the income
28 capitalization method.

29 (2) If the owner (A) is able to obtain, within one year of acquisition
30 by the commissioner or any additional period to which the owner and
31 the commissioner both consent, all state and local permits necessary
32 for relocation of the outdoor advertising structure to another site in the
33 Standard Metropolitan Statistical Area, as designated in the federal
34 census, in which the outdoor advertising structure is located, and (B)
35 such site was not previously offered for sale or lease to the owner of
36 the outdoor advertising structure, then the commissioner shall pay to
37 the owner the replacement cost of the outdoor advertising structure,
38 plus the fair market value of such outdoor advertising structure less
39 the fair market value of the outdoor advertising structure at the new
40 site.

41 (3) If the owner (A) is unable to obtain, within one year of
42 acquisition by the commissioner or any additional period to which the
43 owner and the commissioner both consent, all state and local permits
44 necessary for relocation to another site in the same Standard
45 Metropolitan Statistical Area, as designated in the federal census in
46 which the outdoor advertising structure is located, or (B) such site was
47 previously offered for sale or lease to the owner of the outdoor
48 advertising structure, the commissioner shall pay the fair market value

49 of the outdoor advertising structure the commissioner has acquired.
50 The owner shall provide to the commissioner written documentation
51 sufficient to establish that all state and local necessary permits cannot
52 be obtained for relocation within one year of acquisition or any
53 additional period to which the owner and the commissioner both
54 consent or that the only available relocation sites have been previously
55 offered for sale or lease to the owner.

56 (4) Any person aggrieved by determination of the amount of
57 compensation paid under this subsection may appeal to the State
58 Properties Review Board.

59 (5) The provisions of this subsection shall not be construed to
60 authorize any action that is found to violate the provisions of 23 USC
61 131 or 23 CFR 750 or the terms of an agreement entered into by the
62 Commissioner of Transportation with the Secretary of Commerce
63 pursuant to subsection (b) of section 13a-123.